

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, November 5, 2012

Those Present: Mr. James E. McClellan, Chairman
Mr. Richard E. Zimmerman, Board Member
Mrs. Maggi Hays, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Frank Rauschenberg, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **Bentz St. Raw Bar** – Ms. Vahle stated she received a request from this establishment for an Open Bar on New Year's Eve from 9PM to 12:30AM.

MOTION: Mr. Zimmerman made a motion to approve this request and limit the Open Bar to 3 hours 9PM until 12M.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. McClellan – Aye
Mrs. Hays – Aye

The vote was unanimous. ***Aye – 3 Nay – 0***
(Motion Passed)

2. **Barley and Hops Grill** - Ms. Vahle told the Board that Gary Brooks owner of this establishment wanted to discuss beer sampling for Class 7 microbreweries.

3. **Task Force Meeting for November 9th** – Ms. Vahle stated that Delegate Clagett is presenting a proposal to increase the Liquor Board members from three to five people.
4. **Discussion of Synthetic Drugs** - The Board discussed the email from Chief Dine and asked staff to prepare a response that noted the City's adoption of an ordinance making the sale of synthetic drugs illegal.
5. **TGI Fridays** – Ms. Vahle stated she received a request from this establishment for renovations. The seating will stay the same; it will only be cosmetic changes.
6. **Weinberg Center** – Ms. Vahle received two requests from this establishment the first was for December 1 for a VIP Reception to allow the VIP guests to carry their drinks inside the theatre.

MOTION: Mr. Zimmerman made a motion to approve this request.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. McClellan - Aye
Mrs. Hays - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

The second request was for a New Year's Eve private wedding party. They want the guests to be able to carry their drinks into the theatre for this one evening.

MOTION: Mr. Zimmerman made a motion to approve this request.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye

Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

7. **License in Jefferson** – Ms. Vahle stated that Richard Bricken, an attorney in Frederick, has a client who wants a liquor license in Jefferson. There are no licenses available in Jefferson and the Board's policy is not to give out applications for licenses that do not exist. Mr. Bricken is requesting a license application anyway.

MOTION: Mr. Zimmerman made a motion for the Board to continue with its current policy.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

Mrs. Thall recommended that the Board consider imposing a fee in the future for processing license applications.

8. **Census** – Ms. Vahle stated that the Board needs to adopt a final Census policy. The Board agreed to consider this after the day's hearings.
9. Decision Required: New

RE: Herman Wheeler and Frank
Krohn for the use of WAA-
Frederick LLC
t/a Buffalo Wild Wings
210 Shorebird Lane
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). Pending items are: Occupancy Permit, the Fire Marshal, Health Department, final Property Assessment, Retail Sales Tax license and the Worker's Compensation and the Inspector's Report. The Attorney stated this establishment is still under construction.

MOTION: Mr. Zimmerman made a motion for a conditional approval until January 28, 2012.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

10. Decision Required: Transfer

TRANSFER FROM:

RE: Dora J. Cochran, Brett
Cochran and Roger E.
Cochran for the use
of Morningside Inn, Inc.
t/a Morningside Inn
7477 McKaig Rd.
Frederick, MD 21701

Class B-CI, On Sale, Beer, Wine & Liquor
Country Inn

TRANSFER TO:

RE: James B. Cochran,
Dora J. Cochran and
Roger E. Cochran for
the use of
Morningside Inn, Inc.
t/a Morningside Inn
7477 McKaig Rd.
Frederick, MD 21701

Class B-CI, On Sale, Beer, Wine & Liquor

Country Inn

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). Pending items are: the Fire Marshal and the Health Department. The Violation History included May 1st, 2000 failed to pickup renewal and they paid a \$50 fine. On August 3, 2010 they failed to pick up the new license and paid \$150 fine. May 9, 2012 they failed to display the license and paid \$100 fine. The licensee stated she did not realize she needed to have new inspections done. Inspector DeLauter stated they are compliant.

MOTION ONE: Mrs. Hays made a motion for a conditional approval for December 3, 2012.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

11. Decision Required: Violation

RE: Robin L. Harne and Robert L.
Harne Jr. for the use of Rube's
Crab Shack LLC
t/a Rube's Crab Shack
17308 N. Seton Avenue
Emmitsburg, Maryland 21727
Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 3208
Case#: 5833

The Board held a violation hearing for three charges: 1. Failed to file the renewal license by April 2, 2012. 2. Failed to pick up the renewal license by April 30, 2012. 3. Failed to appear at a Hearing before the Board scheduled for September 10, 2012. The licensees pled guilty. Mrs. Thall swore in the licensees and potential

witnesses. (See Attached Sign In Sheet). Robin Harne stated she applied for the renewal and because the mail was put in the wrong place she also misplaced the notification for the Hearing.

MOTION ONE: Mr. Zimmerman made a motion for a \$500 fine, the fine to be suspended for 90 days unless there is another occurrence.

MOTION TWO: Mr. Zimmerman made a motion to impose a \$1400 fine, the fine to be suspended for 90 days unless there is another occurrence.

Second Motion was withdrawn.

MOTION THREE: Mrs. Hays made a motion for a \$500 fine.

SECOND: Mr. Zimmerman seconded Mrs. Hay's motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

12. **Barley and Hops Grill** – Gary Brooks and Phil Bowers met with the Board to discuss beer sampling for the Class 7 microbreweries. He requested that the Board modify the regulations to allow the Class 7 microbrewery to have beer samplings for no more than six different beers. They have a meeting with the Comptroller's Office to discuss this also. Mr. Zimmerman asked that Mr. Brooks and Mr. Bowers obtain a further clarification in writing from the Comptroller's Office as to the size of the free samplings and as to the number of samplings allowed before considering this request again.
13. **Recess** - Mr. Zimmerman requested a 10 minute recess and will reconvene at 9:55AM.
14. **Policy for the Census** – The Board previously held a Public Hearing to hear comments from the public regarding the proposal

for the Census. The Board reviewed the written comments before making a final determination.

MOTION ONE: Mr. Zimmerman made a motion to approve the Census Policy as drafted.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

The Board will publish a Notice in the Frederick News Post November 12th and 19th of the licenses available, December 3rd will be the final date the Board will receive the completed information sheet for consideration. The Adopted Policy will also be posted on our website.

15. **Inspector Rauschenberg** – The Inspector wanted to discuss two full course meals for the Class B, Beer, Wine and Liquor establishments. He asked if it was only lunch and dinner. Ms. Vahle stated as long as it is two full course meals they can serve breakfast and lunch.
16. **Bentz St. Raw Bar** – Inspector Rauschenberg stated that things are going better for the sports bar. The licensee of the sports bar is going to make some changes to his rules such as dress code, so things could go more smoothly. His contract with the DJ expires the first of the year.
17. **Compliance Team w/City** – Inspector Rauschenberg stated the meeting with Frederick City Police went very well.
18. **Cover Charge** – There is a cover charge until 11PM for Bentz St. which is their policy.
19. **Work Together** – The Liquor Inspectors partnered up and worked from each end of the City which proved to be quite effective.

ADJOURN

The meeting was adjourned at 10:26 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees